

LEGISLATIVE RESEARCH COMMISSION

Animal Treatment Procedures Committee



REPORT TO THE
2000 SESSION OF THE
1999 GENERAL ASSEMBLY
OF NORTH CAROLINA

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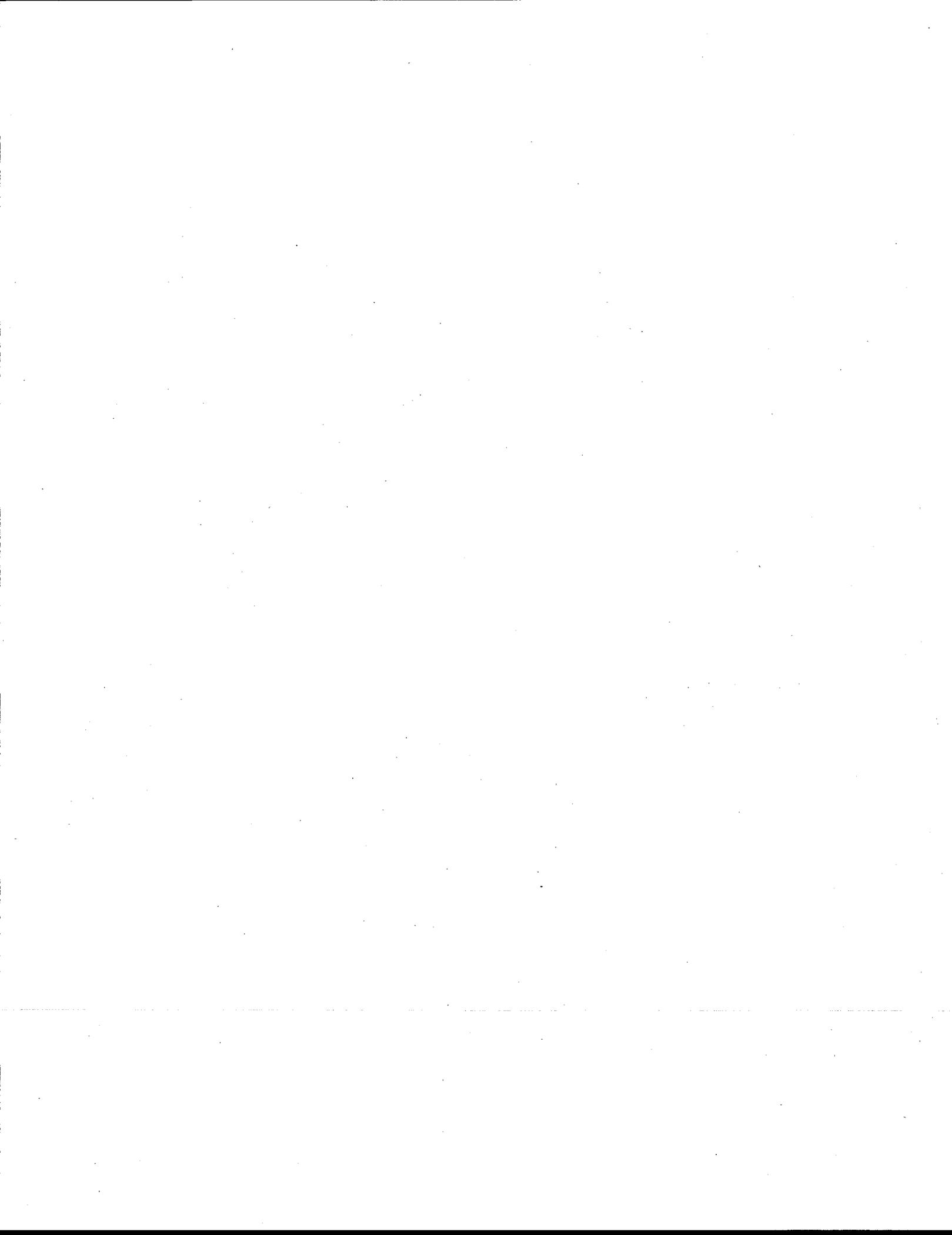
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REDUCED COST SPAY/NEUTER SERVICES FOR DOGS AND CATS.
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May 4, 2000

TO THE MEMBERS OF THE 1999 GENERAL ASSEMBLY (REGULAR SESSION 2000):

The Legislative Research Commission herewith submits to you for your consideration its interim report on a statewide spay and neuter program. The report was prepared by the Legislative Research Commission's Committee on Animal Treatment Procedures pursuant to G.S. 120-30.17(1).

Respectfully submitted,

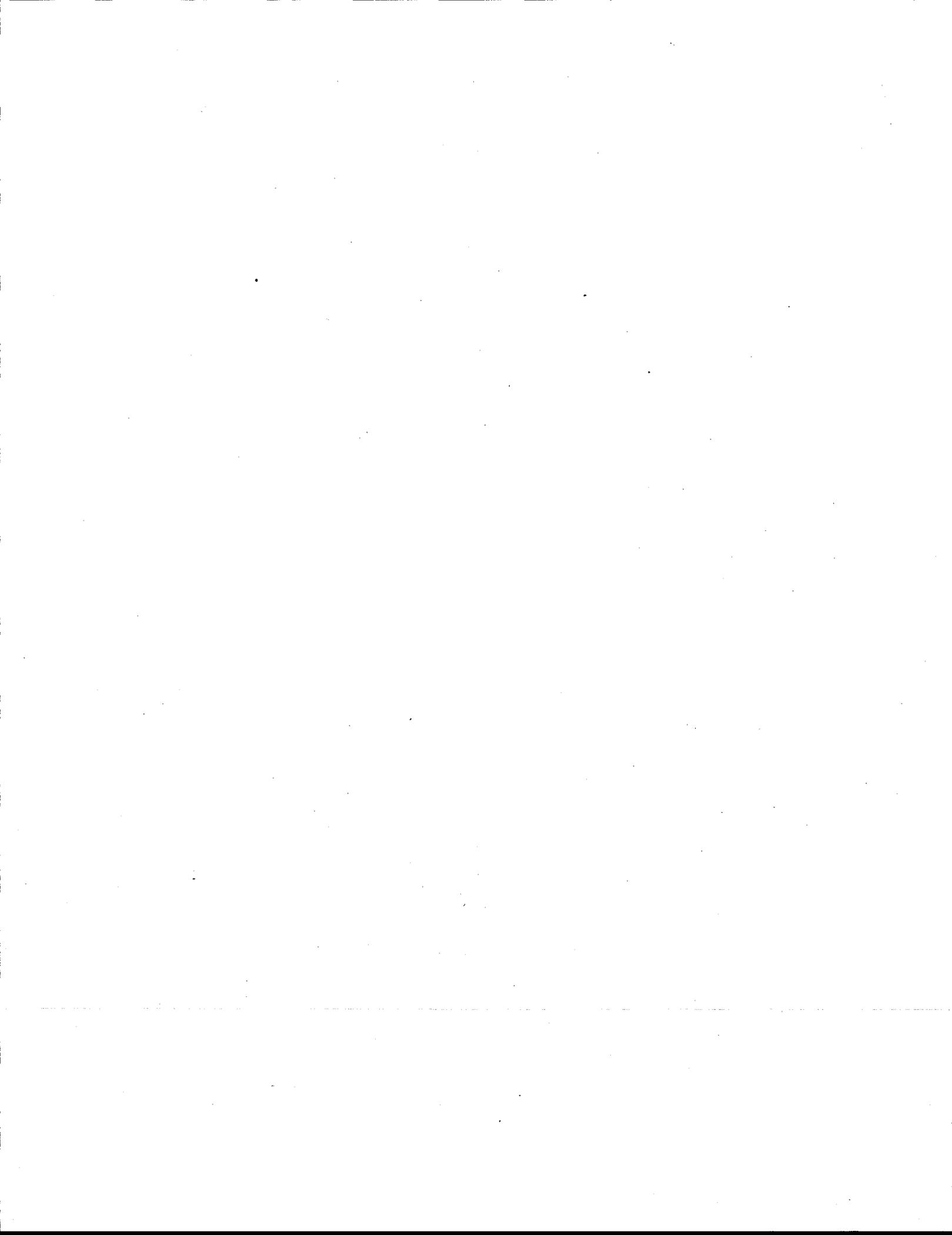


James B. Black
Speaker of the House



Marc Basnight
President Pro Tempore

Cochairs
Legislative Research Commission



1999 - 2000

LEGISLATIVE RESEARCH COMMISSION

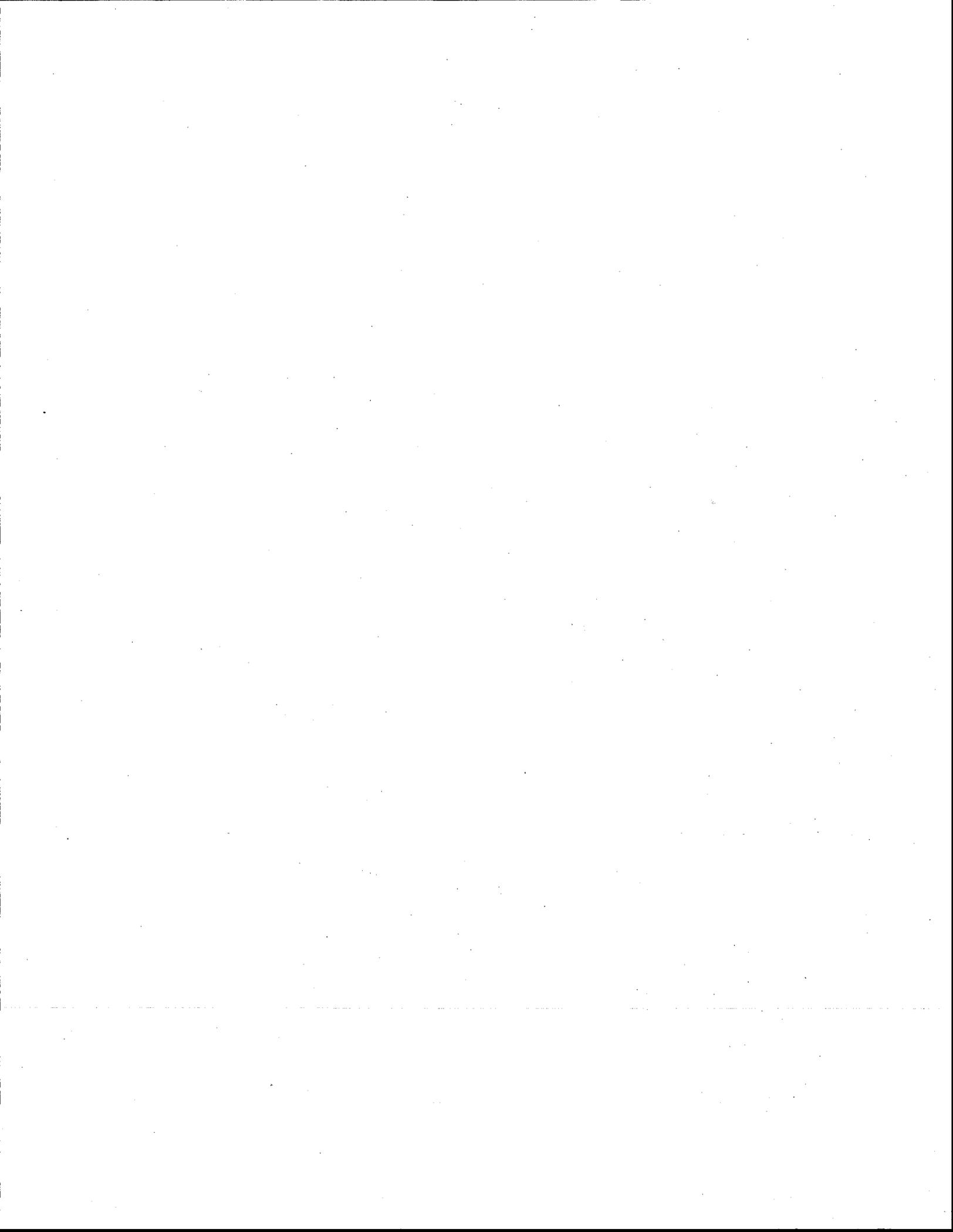
MEMBERSHIP

President Pro Tempore of
the Senate
Marc Basnight, Cochair

Senator Austin M. Allran
Senator Linda D. Garrou
Senator Jeanne H. Lucas
Senator R.L. "Bob" Martin
Senator Ed N. Warren

Speaker of the House
of Representatives
James B. Black, Cochair

Rep. James W. Crawford, Jr.
Rep. Beverly M. Earle
Rep. Verla C. Insko
Rep. William L. Wainwright
Rep. Steve W. Wood



PREFACE

The Legislative Research Commission, established by Article 6B of Chapter 120 of the General Statutes, is the general purpose study group in the Legislative Branch of State Government. The Commission is cochaired by the Speaker of the House and the President Pro Tempore of the Senate and has five additional members appointed from each house of the General Assembly. Among the Commission's duties is that of making or causing to be made, upon the direction of the General Assembly, "such studies of and investigations into governmental agencies and institutions and matters of public policy as will aid the General Assembly in performing its duties in the most efficient and effective manner" (G.S. 120-30.17(1)).

The Legislative Research Commission, prompted by actions during the 1998 Session and 1999 Sessions, has undertaken studies of numerous subjects. These studies were grouped into broad categories and each member of the Commission was given responsibility for one category of study. The Cochairs of the Legislative Research Commission, under the authority of G.S. 120-30.10(b) and (c), appointed committees consisting of members of the General Assembly and the public to conduct the studies. Cochairs, one from each house of the General Assembly, were designated for each committee.

The study of the Spay and Neuter Program was authorized Section 2.1(4) of Chapter 395 of the 1999 Session Laws (Regular Session, 1999). Part II of Chapter 395 allows for studies authorized by that Part for the Legislative Research Commission to consider Senate Bill 330 in determining the nature, scope and aspects of the study. Section 1 of Senate Bill 330 reads in part: "The Legislative Research Commission is authorized to study issues related to the establishment of a State Spay/Neuter Fund and a statewide educational program on the benefits of spaying and neutering pets". The relevant portions of Chapter 395 [and Senate Bill 330] are included in Appendix A. The Legislative Research Commission authorized this study under authority of G.S. 120-

30.17(1) and grouped this study in its Human Resources and Health Issues area under the direction of Senator Warren. The Committee was chaired by Senator Kinnaird and Representative Hill. The full membership of the Committee is listed in Appendix B of this report. A committee notebook containing the committee minutes and all information presented to the committee is filed in the Legislative Library.

COMMITTEE PROCEEDINGS

The Committee four times, on **January 13, February 23, March 20, and April 12, 2000.**

At its **January 13** meeting, Representative Hill called the meeting to order, recognized the staff, committee members and introduced himself and Senator Kinnaird. Representative Howard's motion to adopt the budget carried unanimously. On behalf of the Senator Warren, the LRC Chairman of the Committee, Barbara Riley explained the Commission, the role of members of the committee, and the two issues for the committee to look at, which are:

- 1) The question of statewide Spay/Neuter Program and the source of funding.
- 2) The owner administration of vaccinations.

An award winning documentary video by Randy Benson (a student attending the North Carolina School of the Arts) entitled *Man and Dog* was viewed by the committee. The film contains video of an animal control officer collecting and euthanizing. Barbara Riley, staff attorney, presented an overview of the pending spay/neuter legislation (Senate Bill 330 Spay/Neuter Program). Dr. Bill Reppy, Law professor at Duke University and commission member, presented the History and need for Spay/Neuter Legislation in North Carolina. The presentation included a brief history on the Spay/Neuter bill, animal control activity reports in North Carolina from 1992-1998, and New Hampshire's statewide Spay/Neuter Program. James Blackburn, special counsel to the North Carolina Association of County Commissioners, presented the County Perspectives and answered commission members. He explained that local health departments are responsible for administering health laws including contracting to run

animal shelters and administer the rabies program. He indicated that the data provided by staff and Dr. Reppy was very comprehensive and suggested that the committee may want to find out about the fees. Mr. Blackburn explained that historically the state gets a lot of mileage out of programs that are incentive based with regard to local government, and that the County Commissioners applaud any efforts to lighten the burden they have to bear in taking care of animals.

After these presentations, the committee members then discussed the issue and asked questions of staff and the speakers. Sen. Foxx requested Mr. Blackburn to provide information on the saving rate to counties if the number of unwanted animals decreased and the number of animal disposed of decreased. Rep. Howard requested staff to see if unspent county social services funds, such as TANF, can be used for the spay/neuter fund. Dr. Greene wanted to know if pet overpopulation, stray animals, lack of public education, pet owner responsibility, few animal control facilities in some areas and no uniform licenses across the state were problems the committee would examine. He discussed how NC State veterinary units spayed/neutered animals rescued from hurricane Floyd and the new mobile surgery unit was privately donated to the school. He asked if state funds could be allocated to purchase addition vehicles that could be used to travel around the state to spay and neuter animals by vet students. Dr. Green stated that he feels that a spay/neuter fee should not be attached to the rabies fee.

At the **February 23** meeting, the Committee met on Wednesday, February 23, 2000, at 11:00 a.m. in Room 1124/1224 of the Legislative Building. A new committee member, Millard Rich, was recognized. Sen. Kinnaird reviewed the corrected copy of the Spay/Neuter bill highlighting the (.50) fee imposed on the cost of obtaining rabies

vaccination tags from the Department of Health and Human Services. Sen. Kinnaird explained the fee will be collected by The Department of Health and Human Services and reside in the fund established for the collection of Animal Lovers Special License Plates fees. A one-time \$25.00 fee on registered dog breeders will exempt them from the fee on the rabies tag. Any other funds available from appropriations by the General Assembly or from contribution and grants from public or private sources will also go into the fund. Up to twenty percent (20%) of the money in the account is for public education on the benefits of spayed and neutered animals. The remaining revenue in the fund will be distributed to units of local government eligible to receive a distribution.

Committee member Dr. Mark Green presented a pilot program designed to provide low cost spay/neuter to counties not having a spay/neuter program. Students from the NC State College of Veterinary Medicine (under supervision of NC State CVM veterinarians) would use a mobile surgery unit to perform surgeries in the designated counties. NC State would charge the county the cost for the services. Dr. Green stated that advantages of this program include training for veterinary students, no capital expenses required by the county; and no requirements for state funding. Senator Foxx asked Dr. Green for an explanation of the veterinarians' opposition to the spay/neuter fee assessed on the rabies tag. Dr. Green responded that the bill raises the cost of the rabies vaccination, requires veterinarians to collect the fee (tax collectors) and provides disproportionate distribution.

Sen. Kinnaird suggested a voucher system could be implemented. Dr. Ferris addressed problems of the voucher system. Dr. Ferris explained that the voucher system had been unsuccessful in the past. For example, Moore County Animal Control does not

have a facility and requires that the cost for spay/neuter be paid at the time of the adoption. A person receives a voucher, but only 10% of the vouchers are redeemed.

Sen. Foxx requested Mr. Blackburn to provide a list of counties collecting animal tax, how many counties have differential licensing, information on how counties enforce collection of animal taxes and information on the need for educational programs of county officials regarding spay/neuter benefits. Dr. Green mentioned that in Mecklenburg County it is a requirement that when a veterinarian gives a rabies vaccination, a copy of the vaccination record has to be supplied to the county health department. The health department passed the information on to the county licensing bureau. The county issues a bill for pet licenses. If an animal is not given a rabies vaccination there is no record of the animal and no fee assessed.

Mr. Jim Blackburn, of the County Commissioners Association, answered committee questions. Mr. Blackburn stated county health departments and sheriffs departments face higher priorities than rabies vaccinations and licensing fees (unless the county is faced with a serious rabies problem). In response to the education issue, Mr. Blackburn stated that other sources of information, such as from animal control folks, health departments or sheriffs' office about animal problems, would benefit or educate county officials. Mr. Blackburn stated he was interested in Rep. Owens' suggestion for a presentation at the county officials' annual conference to educate the officials on the animal control issue. Sen. Foxx asked Mr. Blackburn about punishment for offenders who do not vaccinate their animals and for his recommendations. Mr. Blackburn replied that education will create the political support to increase allocations of resources and the animal is penalized for offenders' transgressions. Barbara Riley, staff attorney, stated

there was nothing in the original article providing for misdemeanor or felony status but dogs are subject to being impounded and 72 hours later being destroyed. Sen. Kinnaird added that 75% of dogs and 95% of cats impounded are euthanized.

Dr. Kordick explained the provisions in the NC General Statutes for a Certified Rabies Vaccinator in response to Sen. Warren's question.

Peter Marsh, a member of a Legislative Study Commission on Spay/Neutering Programs in New Hampshire, gave a presentation on effective spay/neuter programs. He explained the two state funded Neutering Assistance Programs in New Hampshire, which are (1) Low-income neutering assistance program and (2) the Shelter adopters' neutering assistance program. The revenue source is a \$2.00 surcharge on dog licenses. The program has saved more money in the five years that it has been operating than has been spent. Mr. Marsh stated an effective and affordable spay/neuter program requires accessibility, adequate funding, and affordability. Low-income people could be notified through mailings and the welfare office.

Dr. Dan Allen, former president of the NC Veterinary Medical Association, gave a brief statement on the concerns of pet overpopulation and the need for a spay/neuter program. Rep. Howard asked Dr. Green how local veterinarians would receive the mobile unit into their areas. Dr. Green said he didn't see any conflict because the mobile unit would be targeting the low-income neighborhoods and the relationship between the doctor and client will continue. Rep. Howard requested a survey from veterinarians across the state asking how they would receive Dr. Green's plan and also requested staff to research unspent county social services match monies.

Members of the public were recognized to comment on the issue. Nell Kreisberg, a writer for Zoophile News Network, gave a statement in support of the Spay/Neuter bill. Dr. Marianne McBride, an independent veterinarian from Raleigh, commented on a program called Spay/Neuter Assistance of North Carolina. It is a not-for-profit, low cost spay/neuter program with a mobile unit in place. Dr. McBride requested no exclusive support be given to one group, but to allow all interested people to participate across the state.

At the **March 20** meeting, the Committee began with an explanation and review by Dr. Mark Green and Senator Kinnaird of the most recent draft of the legislation.

New additions to the bill included Sen. Foxx's recommendation for an adequate definition for "Low income persons" to mean an individual who qualifies for one or more of the programs of public assistance administered by the Department pursuant to Chapter 108A of the General Statutes. This change would eliminate the need for technical changes in future years. Also added was a requirement for an annual report including fiscal and statistical data to be forwarded to the Department of Health and Human Services (DHHS), and provision for a voluntary special edition rabies tags which may be purchased for an additional .50, which will be placed in the spay/neuter fund.

At Dr. Green's request, a pilot program for counties without animal control enforcement was included in the legislation. Sen. Foxx expressed concern that a county that wasn't currently supporting animal control would benefit from the pilot program. Sen. Kinnaird explained that the pilot program eligibility would require the county to make an effort to be eligible, such as requiring the county to enact differential licensing.

Other recommended changes came from state agencies and the public. Glenn Wells, of the DHHS, pointed out that page two, line thirty-seven said that "the Department may use up to twenty percent of the money to defray the costs of administration of the Spay/Neuter Program as well as implementation of a statewide educational program", whereas previous editions of the bill included twenty percent for administration and an additional twenty percent (totaling forty percent) for education. The committee placed the additional twenty percent back into the bill, reasoning that the time involved in administering the program would require an additional position in DHHS.

Jim Blackburn, attorney for the County Commissioners Association, asked to change page two line thirteen to read "animal control agencies" instead of "animal control officers" because many counties do not have animal control officers.

Henry Jones, Lobbyist for the N. C. Veterinary Medical Association, asked if page two line seventeen should be G. S. 19A-52 instead of G. S. 19A-51. Barbara Riley, staff attorney, indicated the cite would be changed. Henry Jones also asked to have the word "additional" removed from page two line twenty-six.

The meeting ended with agreement on the legislation and a call for a final meeting to approve the legislation and study report. Detailed minutes of each of the Committee's meetings were prepared by the Committee Clerk, and will be deposited in the Legislative Library.

At the **April 12** meeting, the committee met to approve the report's findings and recommendations. All members approved and recommended the report.

FINDINGS AND RECOMMENDATIONS

After reviewing the presentations and discussions of the Committee regarding the spay and neuter issue, the Committee makes the following findings:

- The uncontrolled breeding of cats and dogs in North Carolina has resulted in unacceptable numbers of unwanted dogs, puppies, cats, and kittens.
- These unwanted animals become strays and are a public nuisance and public health hazard.
- These unwanted animals suffer from privation, impoundment, and death.
- These unwanted animals are impounded and destroyed at great expense to local governments.

Based on these findings, the Animal Treatment Procedures Committee finds there is a pressing need for a statewide spay/neuter program and recommends the legislation in Appendix C to the 2000 General Assembly for consideration during the 2000 Short Session.

APPENDIX A

CHAPTER 395 1999 Session Laws (1999 Session)

AN ACT TO AUTHORIZE STUDIES BY THE LEGISLATIVE RESEARCH COMMISSION, TO CREATE VARIOUS STUDY COMMISSIONS, TO DIRECT STATE AGENCIES AND LEGISLATIVE OVERSIGHT COMMITTEES AND COMMISSIONS TO STUDY SPECIFIED ISSUES, AND TO AMEND OTHER LAWS.

The General Assembly of North Carolina enacts:

PART I.-----TITLE

Section 1. This act shall be known as "The Studies Act of 1999".

PART II.-----LEGISLATIVE RESEARCH COMMISSION

Section 2.1. The Legislative Research Commission may study the topics listed below. When applicable, the bill or resolution that originally proposed the issue or study and the name of the sponsor is listed. Unless otherwise specified, the listed bill or resolution refers to the measure introduced in the 1999 Regular Session of the 1999 General Assembly. The Commission may consider the original bill or resolution in determining the nature, scope, and aspects of the study. The following groupings are for reference only:

-
- (4) Human Resources and Health Issues:
- a. Long-term care facility licensure compliance (H.J.R. 909 - Mosley).
 - b. Biannual inspection and grading of adult care homes by county social services departments, including areas and services to be inspected and graded, penalties for failure to meet minimal grade levels, fiscal impact on county social services departments, posting of grade in the adult care home, and related issues (Earle and Sherrill).
 - c. Medicaid recovery (H.J.R. 102 - Clary; S.J.R. 39 - Purcell).
 - d. Central registry for living wills and organ donations (H.B. 406 - Fox).
 - e. Animal vaccination administration (H.B. 595 - Owens; H.B. 329 - Tucker).
 - f. Marriage license laws (H.J.R. 1365 - Hill; H.B. 973 - Hill; S.B. 1018 - Dalton).
 - g. Unvented gas heaters (S.B. 785 - Albertson).
 - h. Hunger and nutrition (H.B. 1229 - Adams; S.B. 944 - Martin of Guilford).
 - i. Spaying/neutering of dogs and cats, including funding (H.B. 819 - Hensley; S.B. 330 - Kinnaird).
-

Section 2.2. Committee Membership. -- For each Legislative Research Commission committee created during the 1999-2001 biennium, the cochairs of the Legislative Research Commission shall appoint the committee membership.

Section 2.3. Reporting Date. -- For each of the topics the Legislative Research Commission decides to study under this Part or pursuant to G.S. 120-30.17(1), the Commission may report its findings, together with any recommended legislation, to the 1999 General Assembly, 2000 Regular Session, or the 2001 General Assembly.

Section 2.4. Funding. -- From the funds available to the General Assembly, the Legislative Services Commission may allocate additional monies to fund the work of the Legislative Research Commission.

PART XXII.-----BILL AND RESOLUTIONS REFERENCES

Section 22.1. The listing of the original bill or resolution in this act is for reference purposes only and shall not be deemed to have incorporated by reference any of the substantive provisions contained in the original bill or resolution.

PART XXIII.-----EFFECTIVE DATE AND APPLICABILITY

Section 23.1. Except as otherwise specifically provided, this act becomes effective July 1, 1999. If a study is authorized both in this act and the Current Operations Appropriations Act of 1999, the study shall be implemented in accordance with the Current Operations Appropriations Act of 1999 as ratified.

In the General Assembly read three times and ratified this the 21st day of July, 1999.

s/ Dennis A. Wicker
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ James B. Hunt, Jr.
Governor

Approved 9:03 p.m. this 5th day of August, 1999

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

2

SENATE BILL 330*
Finance Committee Substitute Adopted 7/7/99

Short Title: Spay/Neuter Program.

(Public)

Sponsors:

Referred to:

March 11, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO
3 STUDY THE ISSUES OF ESTABLISHING A SPAY/NEUTER FUND AND OF
4 ESTABLISHING A STATEWIDE EDUCATIONAL PROGRAM ON THE
5 BENEFITS OF SPAYING AND NEUTERING PETS.
6 The General Assembly of North Carolina enacts:
7 Section 1.(a) The Legislative Research Commission is authorized to study
8 issues related to the establishment of a State Spay/Neuter Fund and a statewide
9 educational program on the benefits of spaying and neutering pets.
10 Section 1.(b) The study shall include the assessment of fees to fund the
11 Spay/Neuter Fund and the distribution of the money in the Fund (i) to establish a
12 statewide education program to educate the public on the benefits of having dogs and
13 cats spayed and neutered, and (ii) to assist units of local government in providing
14 programs that lower the cost of spaying and neutering dogs and cats.
15 Section 2. The Legislative Research Commission shall make a final
16 report of its findings and recommendations to the 2001 General Assembly and may
17 make an interim report to the 1999 General Assembly, 2000 Regular Session.
18 Section 3. This act is effective when it becomes law.

APPENDIX B

**ANIMAL TREATMENT PROCEDURES COMMITTEE (LRC)
1999-2001
S.L. 1999-395**

Pro Tem's Appointments

**Sen. Eleanor Kinnaird, Cochair
2115 Legislative Bldg.
Raleigh, NC 27601-2808
(919) 733-5804**

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**Sen. Virginia Foxx
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**Mr. William Reppy, Jr.
5700 Barbee Chapel Road
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**Mr. Millard R. Rich
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Raleigh, NC 27612**

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**Rep. Julia Howard
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**Ms. Michele Karwoski
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**Rep. Russell E. Tucker
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Pink Hill, NC 28572
(252) 568-3295**

Clerk
**Kathie Young
(919) 733-5804**

APPENDIX C

LEGISLATIVE PROPOSAL I

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S/H

D

00-csrf-05

THIS IS A DRAFT; IT IS NOT READY FOR INTRODUCTION

Short Title: Spay/Neuter Program.

(Public)

Sponsors:

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH A VOLUNTARILY FUNDED STATEWIDE SPAY/NEUTER
3 PROGRAM TO PROVIDE EDUCATION ON THE BENEFITS OF SPAYING AND
4 NEUTERING PETS AND TO PROVIDE FINANCIAL ASSISTANCE TO COUNTIES
5 AND CITIES OFFERING LOW-INCOME PERSONS REDUCED COST SPAY/NEUTER
6 SERVICES FOR DOGS AND CATS.
7 The General Assembly of North Carolina enacts:
8 Section 1. Chapter 19A of the General Statutes is
9 amended by adding a new Article to read:
10 "Article 5. Spay/Neuter Program.
11 "§ 19A-50. Legislative findings. The General Assembly finds that
12 the uncontrolled breeding of cats and dogs in the State has led
13 to unacceptable numbers of unwanted dogs, puppies and cats and
14 kittens. These unwanted animals become strays and constitute a
15 public nuisance and a public health hazard. The animals
16 themselves suffer privation and death, are impounded and most are
17 destroyed at great expense to local governments. It is the
18 intention of the General Assembly to provide a voluntary means of
19 funding a spay/neuter program to provide financial assistance to
20 local governments offering low-income persons reduced cost
21 spay/neuter services for their dogs and cats and to provide a

1 statewide education program on the benefits of spaying and
2 neutering pets.

3 " § 19A-51. Spay/Neuter Program established.

4 There is established in the Department of Health and Human
5 Services a statewide program to foster the spaying and neutering
6 of dogs and cats for the purpose of reducing the population of
7 unwanted animals in the state. The program shall consist of the
8 following components:

9 (a) Education Program. -- The Department shall establish a
10 statewide program to educate the public about the benefits of
11 having cats and dogs spayed and neutered. The Department may
12 work cooperatively on the program with the the North Carolina
13 School of Veterinary Medicine, other State agencies and
14 departments, county and city health departments and animal
15 control agencies, and statewide and local humane organizations.
16 The Department may employ outside consultants to assist with the
17 education program.

18 (b) Local Spay/Neuter Assistance Program. -- The Department
19 shall administer the Spay/Neuter Account established in G.S. 19A-
20 52. Monies deposited in the account shall be available to
21 reimburse eligible counties and cities for the direct costs of
22 spay/neuter surgeries for cats and dogs made available to low-
23 income persons.

24 § 19A-52 Spay/Neuter Account established.

25 (a) Creation. -- The Spay/Neuter Account is established as a
26 nonreverting special revenue account in the Department of Health
27 and Human Services. The Account consists of the following:

28 (1) Fifty cents (50¢) of the fee imposed by G.S. 130A-
29 190(c) on the costs of obtaining rabies vaccination
30 tags from the Department of Health and Human
31 Services.

32 (2) Ten dollars (\$10.00) of the additional fee imposed
33 by G.S. 20-79.7 for an Animal Lovers special
34 license plate.

35 (3) Any other funds available from appropriations by
36 the General Assembly or from contributions and
37 grants from public or private sources.

38 (b) Use. -- The revenue in the Account shall be used by the
39 Department of Health and Human Services as follows:

40 (1) Twenty percent (20%) shall be used to develop and
41 implement the statewide education program component of the
42 spay/neuter program established in G.S. 19A-51(a).

43 (2) Up to twenty percent (20%) of the money in the
44 Account may be used to defray the costs of administering the

1 spay/neuter program established in this article. In the first
2 year the fund is operational, the Department shall use lapsed
3 salary dollars within the Department to fund a position to
4 administer the spay/neuter program. In subsequent years, lapsed
5 salary monies shall be used to supplement funding of the
6 administration of the program if revenue from the Spay/Neuter
7 Account is insufficient.

8 (3) Funds remaining after deductions for the education
9 program and administrative expenses shall be distributed
10 quarterly to eligible counties and cities seeking reimbursement
11 for reduced cost spay/neuter surgeries performed during the
12 previous year.

13 "§ 19A-53. Eligibility for distributions from Spay/Neuter
14 Account.

15 (a) A county or city is eligible for reimbursement from the
16 Spay/Neuter Account if it meets both of the following conditions:

17 (1) The county or city levies an animal tax on dogs and
18 cats under either G.S. 153A-153 or G.S. 160A-212,
19 and the amount of the tax levied on a dog or cat
20 that has not been spayed or neutered is at least
21 three times higher than the amount of the tax
22 levied on a dog or cat that has been spayed or
23 neutered. A county or city may exempt from the
24 higher tax rate a person who owns five or more dogs
25 or five or more cats and has registered with the
26 county or city as a dog breeder or a cat breeder.
27 Registration shall be on forms provided by the
28 county or city and accompanied by a registration
29 fee of twenty-five dollars (\$25.00). Any tax owed
30 by a registered dog breeder or registered cat
31 breeder pursuant to G.S. 153A-153 or G.S. 160A-212
32 during the twelve month period following
33 registration shall be calculated as if the dogs or
34 cats owned by the registrant were spayed or
35 neutered.

36 (2) The county or city offers one or more of the
37 following programs to low-income persons on a year-
38 round basis for the purpose of reducing the cost of
39 spaying and neutering procedures for dogs and cats:
40 a. A spay/neuter clinic operated by the county or
41 city.
42 b. A spay/neuter clinic operated by a private
43 organization under contract or other
44 arrangement with the county or city.

- 1 c. A contract or contracts with one or more
2 veterinarians, whether or not located within
3 the county, to provide reduced-cost spaying
4 and neutering procedures.
- 5 d. Subvention of the spaying and neutering costs
6 incurred by low-income pet owners through the
7 use of vouchers or other procedure that
8 provides a discount of the cost of the spay or
9 neuter procedure fixed by a participating
10 veterinarian or other provider.
- 11 e. Subvention of the spaying and neutering costs
12 incurred by persons who adopt a pet from an
13 animal shelter operated by or under contract
14 with the county or city.
- 15 (b) For purposes of this Article the term "low-income person"
16 shall mean an individual who qualifies for one or more of the
17 programs of public assistance administered by the Department
18 pursuant to Chapter 108A of the General Statutes.
- 19 § 19A-54. Distributions to counties and cities from Spay/Neuter
20 Account.
- 21 (a) Reimbursable costs. -- Counties and cities eligible for
22 distributions from the Spay/Neuter Account may receive
23 reimbursement for the direct costs of a spay/neuter surgical
24 procedure for a dog or cat owned by an low-income person meeting
25 the Department's eligibility requirements for spay/neuter
26 services. Reimbursable costs shall include anesthesia, medication
27 and veterinarian services. Counties and cities shall not be
28 reimbursed for the administrative costs of providing reduced cost
29 spay/neuter services or capital expenditures for facilities and
30 equipment associated with the provision of such services.
- 31 (b) Application. -- A county or city eligible for reimbursement
32 of spaying and neutering costs from the Spay/Neuter Account shall
33 apply to the Department of Health and Human Services by the last
34 day of January, April, July and October of each year to receive a
35 distribution from the Account for that quarter. The application
36 shall be submitted in the form required by the Department and
37 shall include an itemized listing of the costs for which
38 reimbursement is sought.
- 39 (c) Distribution. -- The Department shall make payments from
40 Spay/Neuter Account to eligible counties and cities who have made
41 timely application for reimbursement within 30 days of the
42 closing date for receipt of applications for that quarter. In
43 the event that total requests for reimbursement exceed the

1 amounts available in the Spay/Neuter Account for distribution,
2 the monies available will be distributed as follows:

3 (1) 50% of the monies available in the Spay/Neuter
4 Account shall be reserved for reimbursement for eligible
5 applicants within enterprise tier one, two, and three areas as
6 defined in G.S. 105-129.3. The remaining 50% of the funds shall
7 be used to fund reimbursement requests from eligible applicants
8 in enterprise tier four and five areas as defined in G.S. 105-
9 129.3.

10 (2) Among the eligible counties and cities in enterprise
11 tier one, two and three areas, reimbursement shall be made to
12 each eligible county or city in proportion to the number of dogs
13 and cats that have received a rabies vaccination during the
14 preceding fiscal year in that county or city as compared to the
15 number of dogs and cats that have received a rabies vaccination
16 during the preceding fiscal year by all of the eligible
17 applicants in enterprise tier one, two, or three areas.

18 (3) Among the eligible counties and cities in enterprise
19 tier four and five areas, reimbursement shall be made to each
20 eligible county or city in proportion to the number of dogs and
21 cats that have received a rabies vaccination during the preceding
22 fiscal year in that county or city as compared to the number of
23 dogs and cats that have received a rabies vaccination during the
24 preceding fiscal year by all of the eligible applicants in
25 enterprise tier four and five areas.

26 (4) Should funds remain available from the 50% of the
27 Spay/Neuter Account designated for enterprise tier one, two, or
28 three areas after reimbursement of all claims by eligible
29 applicants in those areas, the remaining funds shall be made
30 available to reimburse eligible applicants in enterprise tier
31 four and five areas.

32 Section 2. G.S. 130A-190 reads as rewritten:

33 "§ 130A-190. Rabies vaccination tags.

34 (a) A licensed veterinarian or a certified rabies vaccinator
35 who administers rabies vaccine to a dog or cat shall issue a
36 rabies vaccination tag to the owner of the animal. The rabies
37 vaccination tag shall show the year issued, a vaccination number,
38 the words "North Carolina" or the initials "N.C." and the words
39 "rabies vaccine." Dogs and cats shall wear rabies vaccination
40 tags at all times. However, cats may be exempted from wearing the
41 tags by local ordinance. Rabies

42 (b) Rabies vaccination tags, links and rivets may be obtained
43 from the Department. The Secretary is authorized to establish
44 by rule a fee for the rabies tags, links and rivets. Except as

1 otherwise authorized in this section, the fee shall not exceed
2 the actual cost of the rabies tags, links and rivets, plus
3 transportation costs. The Secretary may increase the fee beyond
4 the actual cost plus transportation, by an amount not to exceed
5 five cents (\$.05) per tag, to fund rabies education and
6 prevention programs.

7 (c) The Department shall make available a special edition rabies
8 tag to be known as the 'I Care' tag. This tag shall be different
9 in shape from the standard tag and shall carry the inscription 'I
10 Care" in addition to the information required by subsection (a)
11 of this section. The Secretary is authorized to establish a fee
12 for the 'I Care' rabies tag equal to the amount set forth in
13 subsection (b) of this section plus an additional fifty cents
14 (\$.50). The additional fifty cents shall be credited to the
15 Spay/Neuter Account established in G.S. 19A-52.

16 Section 3. G.S. 20-81.12(b10) reads as rewritten:

17 "(b10) Animal Lovers Plates. -- The Division must receive 300
18 or more applications before an animal lovers plate may be
19 developed. The Division shall transfer quarterly the money in
20 the Collegiate and Cultural Attraction Plate Account derived from
21 the sale of the animal lovers plate to the ~~Department of Health~~
22 ~~and Human Services to create a statewide program to promote~~
23 ~~spaying and neutering of dogs and cats.~~ Spay/Neuter Account
24 established in G.S. 19A-50."

25 Section 4. G.S. 130A-197 reads as rewritten.

26 "§130A-197. Infected dogs and cats to be destroyed; protection of
27 vaccinated dogs and cats.

28 A When the local health director reasonably suspects that a
29 dog or cat bitten by has been exposed to the saliva or nervous
30 tissue of a proven rabid animal or animal reasonably suspected of
31 having rabies that is not available for laboratory diagnosis
32 diagnosis, the dog or cat shall be considered to have been
33 exposed to rabies. A dog or cat exposed to rabies shall be
34 destroyed immediately by its owner, the county Animal Control
35 Officer or a peace officer unless the dog or cat has been
36 vaccinated against rabies in accordance with this Part and the
37 rules of the Commission more than three weeks prior to being
38 bitten, exposed, and is given a booster dose of rabies vaccine
39 within three days of the bite exposure. As an alternative to
40 destruction, the dog or cat may be quarantined at a veterinary
41 hospital or animal control facility for a period of six months at
42 the discretion of, and under conditions imposed by, the local
43 health director.

1 Section 5. Every county or city animal shelter, or
2 animal shelter operated under contract with a county or city or
3 otherwise in receipt of State or local funding shall prepare an
4 annual report setting forth the numbers, by species, of animals
5 received into the shelter, the number adopted out, the number
6 returned to owner, and the number destroyed. The report shall
7 also contain the total operating expenses of the shelter and the
8 cost per animal handled. The report shall be filed with the
9 Department of Health and Human Services by August 1 of each year.

10 Section 6. The Department of Health and Human Services
11 shall establish a pilot program for animal control in one of the
12 counties within the enterprise tier one area, as defined in G.S.
13 105-29.3, that does not have an existing animal control program
14 and that meets the qualifications established in this section.

15 The Department shall select a county to participate from among
16 those counties applying to the Department for consideration for
17 the pilot program. Counties wishing to participate should submit
18 a written application to the Department describing in detail the
19 animal control problems in the county, the proposed animal
20 control program to be implemented with the funding available
21 through the pilot program, and the expected results from the
22 program. The Department shall make its selection based on its
23 determination of where the pilot program would most effectively
24 reduce the population of unwanted cats and dogs and enhance
25 public health and safety. The decision of the Department as to
26 the county chosen to participate in the pilot program shall be
27 final.

28 To qualify to participate in the program, a county shall
29 establish a differentiated tax on dogs and cats and offer a
30 reduced cost spay/neuter program to low-income persons as
31 provided in G.S. 19A-53(a). The county selected shall be required
32 to provide a 50% match to any State funds that are allocated for
33 the local animal control program. The county shall keep records
34 of the number of cats and dogs spayed and neutered under the
35 reduced cost spay/neuter program and shall report the results of
36 the pilot program on animal control problems in the county to the
37 Department on a semiannual basis.

38 Funding for the program shall be from the Spay/Neuter Account
39 established pursuant to G.S. 19a-52 from funds received from the
40 sale of Animal Lovers special license plates pursuant to G.S. 20-
41 79.7 and shall not exceed 50% of the funds available from the
42 sale of the special license plate or \$50,000 dollars, whichever
43 is lesser.

44 Section 7. This act becomes effective January 1, 2001.

Explanation of Legislative Proposal I
Spay/Neuter Program

Legislative Proposal I would create a voluntarily funded statewide program to provide low-income persons with reduced cost spay/neuter services for their dogs and cats and to provide for an educational program for pet owners on the benefits of having their pets spayed or neutered.

The proposed legislation establishes a non-reverting, special revenue Spay/Neuter Account in the Department of Health and Human Services from which the statewide program would be funded. The Account would consist of revenue raised from:

- (a) An additional 50 cent fee on the cost of obtaining a special rabies vaccination tag from the Department of Health and Human Services. This tag is to be provided as a alternative to the standard issue rabies tag and will be a different shape from that tag and carry the designation "I Care".
- (b) License plate fees from an Animal Lovers special plate. Ten dollars of the additional fee imposed for the special plate would be transferred to the Account.
- (c) Any other funds appropriated or made available by grant or donation.

Funds from the Account are to be distributed as follows:

- (a) 20% of the funds available shall be used by DHHS to establish a statewide education program on the benefits of spay/neuter.
- (b) Up to 20% of the funds available may be used to meet the administrative expenses of the statewide spay/neuter program.
- (c) The balance of funds are to be made available on a quarterly basis to reimburse eligible counties for the direct costs of spay/neuter surgical procedures provided to low-income persons.

In order to be eligible to receive reimbursement, the county or city must

- (i) Levy an annual animal tax on dogs and cats. The tax on animals that are not spayed or neutered must be at least 3x that for those pets that have been spayed or neutered; and
- (ii) Offer to low-income persons a year round, reduced cost, spay/neuter program. Eligible local programs include a spay/neuter clinic operated by the local government or under contract with the local government; contracts with one or more veterinarians to provide low cost spay neuter procedures; subsidization of spay/neuter costs for low income pet owners through the use of vouchers; or subsidies of the spay/neuter costs for pets adopted from the local animal shelter.

For purposes of the Spay/Neuter Program, "low-income person" is defined as an individual who qualifies for one or more of the programs of public assistance administered by the Department of Health and Human Services pursuant to Chapter 108A of the General Statutes. Counties and cities establishing a differentiated tax on dogs and cats are authorized to establish an exemption from the higher tax rate for dog breeders and cat breeders. To qualify for the exemption, the person must own at least 5 dogs or 5 cats, register annually with the city or county and pay an annual \$25 fee. Any tax owed by the registered dog or cat breeder on their animals would be calculated as though the dogs or cats owned by the breeder were spayed or neutered.

Distributions from the Fund to eligible cities and counties are to be made quarterly. If the amount in the Spay/Neuter Account in any quarter is insufficient to cover all the requests for reimbursement received, cities and counties will be reimbursed on a proportionate basis as follows:

1. 50% of the monies available will be reserved for reimbursement of eligible counties located in enterprise tier one, two, or three areas as defined by G.S. 105-129.3. The remaining 50% will be available to fund other eligible units of local government.

2. Of the monies available to the enterprise tier one, two and three areas, the funds shall be distributed to each eligible county or city in proportion to the number of dogs and cats that have received a rabies vaccination during the preceding fiscal year as compared to the number of rabies vaccinations given throughout the enterprise tier one, two and three areas. Of the monies available for the remaining eligible counties and cities, the monies will also be distributed proportionally according to the numbers of rabies vaccinations given in the previous fiscal year.

Finally, the bill amends the provisions of G.S. 130A-190, to provide for the special edition rabies tag. This tag is to be a different shape than the standard rabies tag and shall carry the inscription "I Care". The tag will carry an additional fee of 50 cents. This additional fee shall be credited to the Spay/Neuter Account. The bill also amends G.S. 20-81.12(b10), providing for the distribution of revenues received from Animal Lovers license plates, to direct that the money received from the issuance of the plate in the Collegiate and Cultural Attraction Plate Account is transferred quarterly to the Spay/Neuter Account.

The act becomes effective January 1, 2001.

